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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 \* \* \*

8 UNITED STATES OF AMERICA, )

9 Plaintiff, )

10 vs. )

11 BRIAN FIERRO, )

12 Defendant. )  
13 \_\_\_\_\_)

2:09-CR-240-RLH-PAL

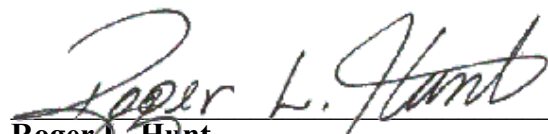
**ORDER**  
**DENYING APPEALABILITY**

14 Following the court's denial of Defendant's motion pursuant to section 2255 (see dkt  
15 #106), Defendant Fierro filed a Notice of Appeal (#109). The Clerk of Court has filed a text Motion  
16 for Certificate of Appealability (#111, filed February 25, 2013) in anticipation of a request from the  
17 circuit court for an order to determine appealability.

18 This court will not enter a certificate of appealability, as the issues raised by Fierro  
19 (re: alleged failure to obtain personnel files of law enforcement officers, failure to indulge Fierro's  
20 police conspiracy theories, and failure to seek DNA testing of the gun) were frivolous as noted in the  
21 order of denial, and demonstrated no constitutional violations.

22 IT IS THEREFORE ORDERED that this court will not issue a certificate of  
23 appealability in this matter.

24 Dated: February 27, 2013.

25   
26 **Roger L. Hunt**  
**United States District Judge**